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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/719,228 Confirmation No.: 3176  
Applicant : Rourke, et al.  
Filing Date : November 21, 2003  
Title : MICRO-POROUS MESH STENT WITH HYBRID STRUCTURE  
Group Art Unit : 3732  
Examiner : O'Connor, Cary E.  
Docket No. : 702563.4010  
Customer No. : 34313

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

I, Charles C. Fowler, represent that I am an attorney of record for the above-identified application. I am authorized to sign this Terminal Disclaimer on behalf of Endotex Interventional Systems, Inc.. I certify that Endotex Interventional Systems, Inc. owns the entire interest in the above-identified application and invention by virtue of an assignment from the inventors to Endotex Interventional Systems, Inc. recorded in the Patent and Trademark Office at Reel 010541, Frame 0152. I have reviewed all the documents in the chain of title of this patent application and, to the best of my knowledge and belief, title and the entire interest of this patent application is held by Endotex Interventional Systems, Inc.

Endotex Interventional Systems, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the statutory expiration date of U.S. Patent No. 6,676,701. Endotex Interventional Systems,

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CERTIFICATE OF MAILING  
37 CFR §1.8

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I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 1/24/05

*Valerie Cloyd*  
Valerie Cloyd

Applicant : Rourke, et al.  
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Inc. is the owner of U.S. Patent No. 6,676,701 (application serial no. 09/929,474) by virtue of assignment from the inventors to Endotex Interventional Systems, Inc.

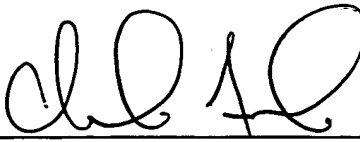
Moreover, Endotex Interventional Systems, Inc. hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,676,701, this agreement to run with any patent granted on the above-identified application and to be binding upon Endotex Interventional Systems, Inc, its successors, or assigns.

Endotex Interventional Systems, Inc. does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,676,701 (Application Serial No. 09/929,474), in the event that this patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.312(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

Method of Payment of fees:

- ☐ A check in the amount of \_\_\_\_\_ is enclosed to cover the above fee(s).
- ☒ Charge Orrick's Deposit Account No. **15-0665** in the amount of **\$65.00**.
- ☒ The Commissioner is authorized to charge Orrick's Deposit Account No. **15-0665** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **15-0665**.

Respectfully submitted,  
ORRICK, HERRINGTON & SUTCLIFFE LLP

By:   
Charles C. Fowler  
Reg. No. 39,675